

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CHERIE C. WHITEHURST,)
)
Plaintiff,)
)
v.) Civil Action No.: 6:19-cv-00010
)
BEDFORD COUNTY SCHOOL BOARD,)
)
and)
)
DOUGLAS R. SCHUCH,)
)
Defendants.)

JOINT MOTION FOR CONTINUANCE

COME NOW the Plaintiff and Defendants jointly, by counsel, and move this Court for entry of an order continuing the trial of this matter and enlarging the time within which the parties must disclose expert witnesses and, in support of this Motion, state as follows:

1. Plaintiff filed her Complaint in this matter on March 14, 2019, and filed her First Amended Complaint on May 24, 2019.
2. In response to Plaintiff's First Amended Complaint, Defendants filed a Motion to Dismiss for Failure to State a Claim (the "Motion to Dismiss") on June 7, 2019, which was heard by the Court on September 13, 2019.
3. Because the Court has not yet ruled on the pending Motion to Dismiss, Defendants have not yet filed an Answer to Plaintiff's First Amended Complaint.
4. The current Pretrial Order sets the trial of this matter to commence on April 22, 2020.

5. The Court previously granted an enlargement of time for the parties' expert witness disclosures, which established Plaintiff's expert disclosure deadline as November 25, 2019, and Defendants' expert disclosure deadline as December 10, 2019.

6. Should the matter survive Defendants' Motion to Dismiss, one or both of the expert witness disclosure deadlines would lapse prior to Defendants' filing of an Answer. Furthermore, it is anticipated that additional deadlines based on the current trial date are also increasingly more likely to frustrate pretrial procedure.

7. Counsel for the parties have conferred and agree to a trial continuance and a corresponding enlargement of time for expert witness disclosures, with the continuance date and expert witness disclosure deadlines to be established following the Court's resolution of Defendants' Motion to Dismiss, so as to avoid further unnecessary disruption to the active docket.

8. The proposed continuance and extensions will not prejudice either party.

9. A proposed order is being filed contemporaneously herewith.

WHEREFORE, based on the foregoing and the agreement of the parties, Plaintiff and Defendants jointly move for entry of an order continuing the trial of this matter, enlarging the time within which the parties must submit their respective expert witness disclosures and for such further relief as the Court deems proper.

Respectfully Submitted,

CHERIE C. WHITEHURST

By Counsel

**BEDFORD COUNTY SCHOOL BOARD
AND DOUGLAS SCHUCH**

By Counsel

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